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U.S. District Court
FLS - Southern District of Florida FtLauderdale

CIVIL DOCKET FOR CASE #: 97-CV-6671

Bayad v. Lucent Technologies, et al.
Assigned to: Norman C. Roettger, Jr.
Demand: \$100000
Lead Docket: None
Dkt # in other court: None

Filed: 06/02/97

Nature of Suit: 442
Jurisdiction: Federal Question

Cause: 42:2000 Job Discrimination (Race)

ANTHONY BAYAD
plaintiff

David Joseph Sales
[term 05/18/99]
FTS 478-0754
561-686-6300
[COR NTC]
Searcy Denney Scarola Barnhart
& Shipley
2139 Palm Beach Lakes Boulevard
PO Drawer 3626
West Palm Beach, FL 33402-3626
561-686-6300

Stephanie Alexander
[term 01/05/00]
Below Address Terminated on 10/14/97
[COR LD NTC]
JoAnn Hoffman & Associates
4403 W Tradewinds Avenue
Lauderdale by the Sea, FL 33308
954-772-2644

v.

LUCENT TECHNOLOGIES, INC.
defendant

Todd R. Legon
[term 06/30/98]
Below Address Terminated on 5/15/98
[COR LD NTC]
Cohen Prame & Goldberg
Capital Bank Building
1221 Brickell Avenue
Suite 1780
Miami, FL 33131-3260
305-375-9292

Todd R. Legon
FTS 444-9937

[COR LD NTC]
Wallace Bauman Legon Fodiman et
al
1111 Brickell Avenue
Suite 2150
Miami, FL 33131
305-444-9991

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LEWIS KASLOW
defendant

Todd R. Legon
[term 06/30/98]
Below Address Terminated on 5/15/98
(See above)
[COR LD NTC]

Todd R. Legon
(See above)
[COR LD NTC]

MIKE REED
defendant

Todd R. Legon
[term 06/30/98]
Below Address Terminated on 5/15/98
(See above)
[COR LD NTC]

Todd R. Legon
(See above)
[COR LD NTC]

RONALD LAURINO
defendant

Todd R. Legon
[term 06/30/98]
Below Address Terminated on 5/15/98
(See above)
[COR LD NTC]

Todd R. Legon
(See above)
[COR LD NTC]

ANTHONY SAVASTANO
defendant

Todd R. Legon
[term 06/30/98]
Below Address Terminated on 5/15/98
(See above)
[COR LD NTC]

Todd R. Legon
(See above)
[COR LD NTC]

JOAN GROHE
defendant

Todd R. Legon
[term 06/30/98]
Below Address Terminated on 5/15/98
(See above)
[COR LD NTC]

Todd R. Legon
(See above)
[COR LD NTC]

06/02/97	1	COMPLAINT filed; Cat A-7 Magistrate Seltzer FILING FEE \$150.00 RECEIPT # 511649 (jl) [Entry date 06/06/97]
06/02/97	2	SUMMONS(ES) issued for Lucent Technologies (jl) [Entry date 06/06/97]

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06/02/97	3	SUMMONS(ES) issued for Lewis Kaslow (jl) [Entry date 06/06/97]
06/02/97	4	SUMMONS(ES) issued for Mike Reed (jl) [Entry date 06/06/97]
06/02/97	5	SUMMONS(ES) issued for Ronald Laurino (jl) [Entry date 06/06/97]
06/02/97	6	SUMMONS(ES) issued for Anthony Savastano (jl) [Entry date 06/06/97]
06/02/97	7	SUMMONS(ES) issued for Joan Grohe (jl) [Entry date 06/06/97]
06/02/97	---	Magistrate identification: Magistrate Judge Seltzer (jl) [Entry date 06/06/97]
06/23/97	8	AT&T PARADYNE SYSTEMS' RESPONSE in opposition to subpoena (lh) [Entry date 06/25/97]
06/25/97	9	Answer and affirmative defenses by Lucent Technologies (Attorney Todd R. Legon), (lh) [Entry date 06/30/97]
06/25/97	10	Answer and affirmative defenses by Lewis Kaslow (Attorney Todd R. Legon), (lh) [Entry date 06/30/97]
06/25/97	11	Answer and affirmative defenses by Mike Reed (Attorney Todd R. Legon), (lh) [Entry date 06/30/97]
06/25/97	12	Answer and affirmative defenses by Anthony Savastano (Attorney Todd R. Legon), (lh) [Entry date 06/30/97]
06/25/97	13	Answer and affirmative defenses by Joan Grohe (Attorney Todd R. Legon), (lh) [Entry date 06/30/97]
06/27/97	14	RETURN OF SERVICE executed for Lucent Technologies on 6/5/97 (lh) [Entry date 07/01/97]
06/27/97	15	RETURN OF SERVICE executed for Lewis Kaslow on 6/5/97 (lh) [Entry date 07/01/97]
06/27/97	16	RETURN OF SERVICE executed for Joan Grohe on 6/5/97 (lh) [Entry date 07/01/97]
06/27/97	17	RETURN OF SERVICE executed for Mike Reed on 6/5/97 (lh) [Entry date 07/01/97]
06/27/97	18	RETURN OF SERVICE executed for Anthony Savastano on 6/5/97 (lh) [Entry date 07/01/97]
07/02/97	19	MOTION with memorandum in support by Anthony Bayad to quash subpoena (lh) [Entry date 07/08/97]
07/07/97	20	MOTION with memorandum in support by Anthony Bayad to strike affirmative defenses (lh) [Entry date 07/08/97]
07/07/97	21	RETURN OF SERVICE executed for Ronald Laurino on 6/24/97 Answer due on 7/14/97 for Ronald Laurino (lh) [Entry date 07/08/97]
07/14/97	22	Answer and affirmative defenses by Ronald Laurino (Attorney

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Todd R. Legon), (lh) [Entry date 07/17/97]

- 07/15/97 23 RESPONSE by Lucent Technologies in opposition to [19-1] motion to quash subpoena with supporting memorandum of law (lh) [Entry date 07/17/97]
- 07/18/97 24 RESPONSE by Lucent Technologies, Lewis Kaslow, Mike Reed, Ronald Laurino, Anthony Savastano, Joan Grohe in opposition to [20-1] motion to strike affirmative defenses (lh) [Entry date 07/24/97]
- 07/23/97 25 MOTION with memorandum in support by Lucent Technologies to quash subpoenas (lh) [Entry date 07/28/97]
- 07/25/97 26 MOTION by Lucent Technologies for leave to file supplemental response to motion to quash subpoena (lh) [Entry date 07/28/97]
- 07/25/97 27 RESPONSE by Anthony Bayad to [26-1] motion for leave to file supplemental response to motion to quash subpoena (lh) [Entry date 07/28/97]
- 07/25/97 28 REPLY by Anthony Bayad to opposition response to [19-1] motion to quash subpoena (lh) [Entry date 07/28/97]
- 07/25/97 29 REPLY by Anthony Bayad to response to [20-1] motion to strike affirmative defenses (lh) [Entry date 08/04/97]
- 07/30/97 30 NOTICE of filing newly discovered authority with respect to his motion to quash subpoena to Dr. Serko by Anthony Bayad (lh) [Entry date 08/04/97]
- 08/01/97 31 REPLY by Lucent Technologies to response to [26-1] motion for leave to file supplemental response to motion to quash subpoena (lh) [Entry date 08/07/97]
- 08/07/97 32 RESPONSE by Anthony Bayad in opposition to [25-1] motion to quash subpoenas (lh) [Entry date 08/08/97]
- 08/08/97 33 REPLY by Lucent Technologies to response to [25-1] motion to quash subpoenas (lh) [Entry date 08/13/97]
- 08/08/97 34 ORDER REFERRING DISCOVERY MATTERS to Magistrate Judge Barry S. Seltzer denying [20-1] motion to strike affirmative defenses [26-1] motion for leave to file supplemental response to motion to quash subpoena referred to Magistrate Barry S. Seltzer, [25-1] motion to quash subpoenas referred to Magistrate Barry S. Seltzer, [19-1] motion to quash subpoena referred to Magistrate Barry S. Seltzer (Signed by Judge Norman C. Roettger Jr. on 8/7/97) CCAP (lh) [Entry date 08/13/97]
- 08/15/97 35 Scheduling Report of Scheduling Meeting by Anthony Bayad, Lucent Technologies, Lewis Kaslow, Mike Reed, Ronald Laurino, Anthony Savastano, Joan Grohe (lh) [Entry date 08/19/97]
- 08/15/97 36 ORDER ON VARIOUS MOTIONS granting [26-1] motion for leave to file supplemental response to motion to quash subpoena, denying [25-1] motion to quash subpoenas, denying [19-1]

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motion to quash subpoena (signed by Magistrate Barry S. Seltzer on 8/15/97) CCAP (lh) [Entry date 08/19/97]

08/28/97 37 JOINT MOTION by Anthony Bayad, Lucent Technologies, Lewis Kaslow, Mike Reed, Ronald Laurino, Anthony Savastano, Joan Grohe for protective order (lh) [Entry date 09/03/97]

09/08/97 38 ORDER granting [37-1] joint motion for protective order protective order (signed by Magistrate Barry S. Seltzer on 9/5/97) CCAP (lh) [Entry date 09/09/97]

09/08/97 39 ORDER granting [37-1] joint motion for protective order (signed by Magistrate Barry S. Seltzer on 9/5/97) CCAP (lh) [Entry date 09/09/97]

10/27/97 40 SCHEDULING ORDER setting Deadline for filing of all motions by 3/1/98 Discovery cutoff 2/15/98 ; (signed by Judge Norman C. Roettger Jr. on 10/21/97) CCAP (lh) [Entry date 10/30/97]

02/04/98 41 MOTION by Anthony Bayad to extend time for discovery (lh) [Entry date 02/05/98]

02/12/98 42 ORDER granting [41-1] motion to extend time for discovery reset discovery due for 8/1/98, and set motion filing deadline for 9/15/98 (signed by Judge Norman C. Roettger Jr. on 2/11/98) CCAP (lh) [Entry date 02/18/98]

02/23/98 43 NOTICE of attorney appearance for Anthony Bayad by David Joseph Sales (lh) [Entry date 02/24/98]

05/06/98 44 MOTION by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies to substitute Todd R. Legon as Attorney (lh) [Entry date 05/07/98]

05/28/98 45 NOTICE by Anthony Bayad to take deposition of Anthony Savastano 6/22/98 at 9:00, Joan Grohe 6/23/98 at 9:00 & Lewis Kalow at 1:00, Ronald Laurino 6/24/98 at 9:00 & Mike Reed at 1:00 (lh) [Entry date 06/02/98]

06/30/98 46 ORDER granting [44-1] motion to substitute Todd R. Legon as Attorney (Terminated: attorney Todd R. Legon for Lucent Technologies, attorney Todd R. Legon for Lewis Kaslow, attorney Todd R. Legon for Mike Reed, attorney Todd R. Legon for Ronald Laurino, attorney Todd R. Legon for Anthony Savastano, attorney Todd R. Legon for Joan Grohe Added: Todd R. Legon) (signed by Judge Norman C. Roettger Jr. on 6/29/98) CCAP (lh) [Entry date 07/13/98]

08/03/98 47 MOTION by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies, Anthony Bayad to extend time for discovery and pretrial deadlines and Request to schedule mediation after the close of discovery (lh) [Entry date 08/05/98]

08/10/98 48 NOTICE of change of attorney's address by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (lh)

09/10/98 49 ORDER granting [47-1] motion to extend time for discovery

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and pretrial deadlines and Request to schedule mediation after the close of discovery (signed by Judge Norman C. Roettger Jr. on 9/4/98) CCAP (lh) [Entry date 09/16/98]

02/05/99	50	NOTICE of charging lien for attorney fees & costs by Anthony Bayad (sb) [Entry date 02/08/99]
02/26/99	51	JOINT MOTION by Anthony Bayad to extend time to file dispositive motions (mh) [Entry date 03/01/99]
03/31/99	52	MOTION with memorandum in support by Lucent Technologies for summary final judgment (ss) [Entry date 04/02/99]
03/31/99	53	MOTION with memorandum in support by Lewis Kaslow, Mike Reed, Ronald Laurino, Anthony Savastano, Joan Grohe for summary final judgment (ss) [Entry date 04/02/99]
03/31/99	54	CONSOLIDATED Statement of: material facts as to which there is no genuine issue to be tried filed in support of their motions for summary judgment by Lucent Technologies, Lewis Kaslow, Mike Reed, Ronald Laurino, Anthony Savastano, Joan Grohe (ss) [Entry date 04/02/99]
03/31/99	55	NOTICE of filing deposition of Dr. James Eutzler by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]
03/31/99	56	NOTICE of filing deposition of Anthony Bayad by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]
03/31/99	57	NOTICE of filing deposition of Dale Anderson by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]
03/31/99	58	NOTICE of filing deposition of William Byrd by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]
03/31/99	59	NOTICE of filing deposition of Stephanie Pagels by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]
03/31/99	60	NOTICE of filing deposition of Brian Reid by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]
03/31/99	61	NOTICE of filing deposition of Robert Justice by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]
03/31/99	62	NOTICE of filing deposition of Anthony Savastano by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]
03/31/99	63	NOTICE of filing deposition of Dr. Devyani Desai by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]
03/31/99	64	NOTICE of filing deposition of Michelle Suarez by Joan

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Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]

03/31/99	65	NOTICE of filing deposition of Joan Grohe by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]
03/31/99	66	NOTICE of filing deposition of Ronald Laurino by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]
03/31/99	67	NOTICE of filing deposition of Amado Navas by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (ss) [Entry date 04/02/99]
04/05/99	68	MOTION by Anthony Bayad for David Sales to withdraw as attorney (mh)
04/14/99	69	MOTION by Anthony Bayad to extend time to respond to summary judgement motion (mh) [Entry date 04/20/99]
04/19/99	70	RESPONSE by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies to [69-1] motion to extend time to respond to summary judgement motion (mh) [Entry date 04/20/99]
05/06/99	71	ORDER granting [51-1] joint motion to extend time to file dispositive motions (signed by Judge Norman C. Roettger Jr. on 4/30/99) CCAP (mh) [Entry date 05/07/99]
05/17/99	72	EMERGENCY REQUEST by Anthony Bayad for Hearing on [68-1] motion for David Sales to withdraw as attorney (ss) [Entry date 05/19/99]
05/18/99	73	ORDER granting [68-1] motion for David Sales to withdraw as attorney (Terminated: attorney David Joseph Sales for Anthony Bayad (signed by Judge Norman C. Roettger Jr. on 5/18/99) CCAP (mh) [Entry date 05/24/99]
05/19/99	74	RESPONSE by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies in opposition to [72-1] motion for Hearing on [68-1] motion for David Sales to withdraw as attorney (mh) [Entry date 05/24/99]
05/25/99	75	MOTION by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies for Stephanie Alexander to withdraw as attorney (mh)
06/08/99	76	Notice of compliance: by Anthony Bayad with [73-1] order (mh) [Entry date 06/11/99]
06/08/99	77	MOTION by Anthony Bayad for cross-claim by adding two Lucent Technologies employees, Henry Schacht and Jeffrey Akers to this law suit (mh) [Entry date 06/11/99]
06/21/99	78	MEMORANDUM by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies in opposition to [77-1] motion for cross-claim by adding two Lucent Technologies employees, Henry Schacht and Jeffrey Akers to this law suit (mh) [Entry date 06/29/99]

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07/28/99	79	RESPONSE by Anthony Bayad to [53-1] motion for summary final judgment, [52-1] motion for summary final judgment (ea) [Entry date 08/06/99]
08/06/99	80	MOTION by Lucent Technologies, Lewis Kaslow, Mike Reed, Ronald Laurino, Anthony Savastano, Joan Grohe for enlargement of time to file reply memorandum to response to motion for summary final judgment (ss) [Entry date 08/09/99]
08/13/99	81	AFFIDAVIT by Anthony Bayad Re: [79-1] motion response (mh) [Entry date 08/18/99]
08/18/99	82	REPLY by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies to response to [53-1] motion for summary final judgment, [52-1] motion for summary final judgment (mh) [Entry date 08/19/99]
10/08/99	83	NOTICE of filing supplemental authority in support of their motions for summary judgement by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies (mh)
10/28/99	84	RESPONSE by Anthony Bayad to [83-1] notice of supplemental authority (mh) [Entry date 10/29/99]
01/05/00	85	ORDER granting [75-1] motion for Stephanie Alexander to withdraw as attorney (Terminated: attorney Stephanie Alexander for Anthony Bayad, attorney David Joseph Sales for Anthony Bayad, denying [72-1] motion for Hearing on [68-1] motion for David Sales to withdraw as attorney (Signed by Judge Norman C. Roettger Jr. on 12/30/00) CCAP [EOD Date: 1/11/00] (mh) [Entry date 01/11/00]
01/25/00	86	ORDER granting [80-1] motion for enlargement of time to file reply memorandum to response to motion for summary final judgment, granting [69-1] motion to extend time to respond to summary judgement motion (Signed by Magistrate Barry S. Seltzer on 1/25/00) CCAP [EOD Date: 1/26/00] (mh) [Entry date 01/26/00]
02/25/00	87	ORDER denying [77-1] motion for cross-claim by adding two Lucent Technologies employees, Henry Schacht and Jeffrey Akers to this law suit (Signed by Judge Norman C. Roettger Jr. on 2/25/00) CCAP [EOD Date: 2/29/00] (mh) [Entry date 02/29/00]
08/17/00	88	REPORT AND RECOMMENDATIONS of Magistrate Barry S. Seltzer recommending that [53-1] motion for summary final judgment, [52-1] motion for summary final judgment be GRANTED. Motion no longer referred. Signed on: August 16, 2000 to R and R due by 8/27/00 CCAP (aj) [Entry date 08/18/00]
09/01/00	89	MOTION by Anthony Bayad for "prayer" requesting emergency hearing in order to fairly defend his case (mh) [Entry date 09/05/00]
09/07/00	90	ORDER denying [89-1] motion for "prayer" requesting emergency hearing in order to fairly defend his case (Signed by Judge Barry S. Seltzer on 9/5/00) CCAP [EOD

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Date: 9/8/00] (mh) [Entry date 09/08/00]

09/15/00 91 MEMORANDUM OF LAW by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies in opposition to [89-1] motion for "prayer" requesting emergency hearing in order to fairly defend his case (aj) [Entry date 09/18/00]

09/27/00 92 MOTION by Anthony Bayad for emergency hearing to request legal guidance from the court and to take proper action against Renold Laurino for purgery (mh) [Entry date 09/28/00]

10/10/00 93 MEMORANDUM by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies in opposition to [92-1] motion for emergency hearing to request legal guidance from the court and to take proper action against Renold Laurino for purgery (aj) [Entry date 10/11/00]

10/11/00 94 ORDER denying [89-1] motion for "prayer" requesting emergency hearing in order to fairly defend his case (Signed by Judge Norman C. Roettger Jr. on 10/10/00) CCAP [EOD Date: 10/12/00] (aj) [Entry date 10/12/00]

10/17/00 95 OBJECTION by Anthony Bayad to [88-1] report and recommendations (aj)

10/25/00 96 RESPONSE by Joan Grohe, Anthony Savastano, Ronald Laurino, Mike Reed, Lewis Kaslow, Lucent Technologies to Objections to [88-1] report and recommendations (aj) [Entry date 10/30/00]

10/26/00 97 ORDER denying [92-1] motion for emergency hearing to request legal guidance from the court and to take proper action against Renold Laurino for purgery (Signed by Judge Norman C. Roettger Jr. on 10/25/00) CCAP [EOD Date: 10/30/00] (aj) [Entry date 10/30/00]

11/02/00 98 ORDER approving and adopting [88-1] report and recommendations, granting [53-1] motion for summary final judgment, granting [52-1] motion for summary final judgment with respect to plaintiff's claims under Title VII, and Section 1981. Judgment entered in favor of defendants and against plaintiff (Signed by Judge Norman C. Roettger Jr. on 10/28/00) CCAP [EOD Date: 11/7/00] (aj) [Entry date 11/07/00]

01/11/01 --- CASE CLOSED. Case and Motions no longer referred to Magistrate. (Per Order dated 11/7/00; D.E. # 98) (aj) [Edit date 01/11/01]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ANTHONY BAYAD,

Plaintiff,

vs.

Case Number 97-6671-C.V.-ROETTGER
Magistrate Seltzer

LUCENT TECHNOLOGIES, INC.,
LEWIS KASLOW, MIKE REED,
RONALD LAURINO, ANTHONY
SAVASTANO, and JOAN GROHE,

Defendants.

NOTICE OF COMPLIANCE WITH COURT ORDER DATED MAY 18, 1999
and RENEWED MOTION TO WITHDRAW

David J. Sales ("Sales"), co-counsel for Plaintiff, gives notice of his compliance with the Order of the Court dated May 18, 1999 (the "Order"). The Order granted the motion of Sales and his firm to withdraw from representation of Plaintiff, "contingent upon the filing of a notice of appearance of substitute counsel. . . ." The Order gave Plaintiff 20 days to find substitute counsel. Sales has not been contacted by any prospective substitute counsel.

Since Sales's original motion to withdraw was first filed (the "Motion"), the circumstances which prompted the Motion have not changed. To the contrary, the need for withdrawal has intensified. While communications between Sales and Plaintiff reveal the reasons behind the Motion, some or all of them may be protected by the attorney/client privilege. As a result, Sales cannot divulge the reasons that he believes his withdrawal is ethically required. Sales does believe, however, that he can disclose the following to the Court.


Sales has contacted personal outside counsel and the Ethics and Advertising Department of the Florida Bar (the latter on two occasions) to obtain advice and recommendations concerning this matter. Both outside counsel and counsel with the Bar have confirmed Sales's conclusions that Sales has an

ethical obligation to withdraw from the representation of Plaintiff. Thus, Sales and his firm are confronted with an unusual circumstance in which they have correctly concluded that they *must* withdraw from representing a client, yet the attorney/client privilege does not allow the disclosure of the reasons necessitating withdrawal, and the Court has indicated that withdrawal will not be permitted unless substitute counsel is retained.

Sales therefore renews his motion to withdraw and asks that the Court act upon it before any further action be taken in this matter. If the Court is still unwilling to grant the motion to withdraw, counsel for Bar recommended that the following be proposed: that the Court order an *ex parte* hearing before a United States Magistrate Judge, at which Sales could disclose the circumstances surrounding the motion to withdraw; that the transcript of any such proceedings, and the recommendation of the Magistrate be sealed; and that the Court make its ruling of the basis of the Magistrate's recommendation.

WHEREFORE, the undersigned counsel renews his motion to withdraw, or alternatively, prays for an *ex parte* hearing before the Court, in accordance with the suggestion of counsel for the Florida Bar Department of Ethics and Advertising.

I HEREBY CERTIFY that a true copy of the foregoing has been mailed to **TODD R. LEGON, ESQUIRE**, WALLACE BAUMAN LEGON FODIMAN & SHANNON, 1200 Brickell Avenue, Suite 1720, Miami, FL 33131, **STEPHANIE ALEXANDER, ESQUIRE**, P. O. Box 1720, Dania Beach, FL 33004-1720 and **PLAINTIFF** this 9th day of June, 1999.



DAVID J. SALES
Florida Bar Number 794732
Searcy Denney Scarola Barnhart &
Shipley, P.A.
2139 Palm Beach Lakes Boulevard
Post Office Drawer 3626
West Palm Beach, FL 33402-3626
(561) 686-6300
Co-Counsel for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ANTHONY BAYAD,

Plaintiff,

vs.

Case Number 97-6671-C.V.-ROETTGER
Magistrate Seltzer

LUCENT TECHNOLOGIES, INC.,
LEWIS KASLOW, MIKE REED,
RONALD LAURINO, ANTHONY
SAVASTANO, and JOAN GROHE,

Defendants.

MOTION TO WITHDRAW AS COUNSEL

Co-counsel for Plaintiff, David J. Sales ("Sales") and Searcy Denney Scarola Barnhart & Shipley, P.A. (the "Firm"), hereby move to withdraw as counsel in this action. As grounds for this motion, Sales and the Firm state that a conflict has arisen between them and Plaintiff which ethically precludes further representation by either Sales or the Firm. Withdrawal by Sales and the Firm should not act to prejudice the interests of Plaintiff because (1) he continues to be represented by his co-counsel, Stephanie Alexander, Esquire and (2) the Court has not set this matter for trial. Pursuant to Local Rule 11.1(D)(3), Sales and the Firm have served Plaintiff and opposing counsel with a copy of this pleading.

I HEREBY CERTIFY that a true copy of the foregoing has been mailed to **ANTHONY BAYAD, PLAINTIFF**, 372 Ferry Street, Malden, MA 02148, **TODD R. LEGON, ESQUIRE**, WALLACE BAUMAN LEGON FODIMAN & SHANNON, 1200 Brickell Avenue, Suite 1720,

Miami, FL 33131 and **STEPHANIE ALEXANDER, ESQUIRE**, 2450 Hollywood Boulevard,
Suite 702, Hollywood, FL 33020 this 31st day of March, 1998.

DAVID J. SALES
Florida Bar Number 794732
JACK SCAROLA
Florida Bar Number 169440
Searcy Denney Scarola Barnhart &
Shipley, P.A.
2139 Palm Beach Lakes Boulevard
Post Office Drawer 3626
West Palm Beach, FL 33402-3626
(561) 686-6300
Co-Counsel for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ANTHONY BAYAD,

Plaintiff,

vs.

Case Number 97-6671-C.V.-ROETTGER
Magistrate Seltzer

LUCENT TECHNOLOGIES, INC.,
LEWIS KASLOW, MIKE REED,
RONALD LAURINO, ANTHONY
SAVASTANO, and JOAN GROHE,

Defendants.

ORDER ON MOTION TO WITHDRAW AS COUNSEL

THIS CAUSE came to be heard on David J. Sales and Searcy Denney Scarola Barnhart & Shipley's Motion to Withdraw as Counsel, the Court having reviewed the motion, it is

ORDERED and ADJUDGED that the Motion to Withdraw as Counsel is hereby _____

_____.

DONE and ORDERED in Fort Lauderdale, Florida this _____ day of _____,
1999.

JUDGE

cc: DAVID J. SALES, ESQUIRE, P. O. Box 3636, West Palm Beach, FL 33402
MR. ANTHONY BAYAD, 372 Ferry Street, Malden, MA 02148
TODD R. LEGON, ESQUIRE, WALLACE BAUMAN LEGON FODIMAN & SHANNON, 1200 Brickell
Avenue, Suite 1720, Miami, FL 33131
STEPHANIE ALEXANDER, ESQUIRE, 2450 Hollywood Boulevard, Suite 702, Hollywood, FL 33020

Agreed to Court at Motion 5-31-99

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 97-6671-CIV-ROETTGER

ANTHONY BAYAD,

Plaintiff,

vs.

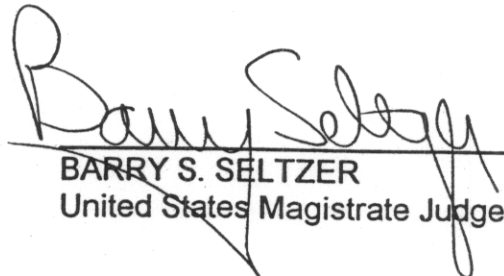
LUCENT TECHNOLOGIES, INC., et al.,

Defendants

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion for "Prayer" Requesting Emergency Hearing in Order to Fairly Defend his Case (DE 89) and the Court being sufficiently advised, it is hereby ORDERED that the motion is DENIED to the extent it requests a hearing on Defendants' summary judgment motions. To the extent that Plaintiff's motion may be construed to request a hearing to object to the undersigned United States Magistrate Judge's Report and Recommendation on Defendants' summary judgment motions, the motion is respectfully referred back to the District Judge for ruling.

DONE AND ORDERED in Fort Lauderdale, Florida, this 5th day of September 2000.


BARRY S. SELTZER
United States Magistrate Judge

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/pm

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

CASE NO. 97-6671-CIV-ROETTGER/SELTZER

ANTHONY BAYAD,

Plaintiff,

vs.

LUCENT TECHNOLOGIES, INC., et al.,

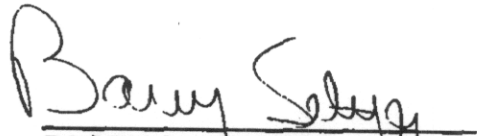
Defendants

FILED
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CIVIL
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE, FLORIDA

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion for the Second Time "Prayer" for Emergency Hearing (DE 92) and the Court being sufficiently advised, it is hereby ORDERED that the motion is DENIED.

DONE AND ORDERED in Fort Lauderdale, Florida, this 25th day of October 2000.


BARRY S. SELTZER
United States Magistrate Judge

Copies to:

Anthony Bayad, *pro se*
278 Main St., Apt. 3E
Melrose, MA 02176

97/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 97-6671-CIV-ROETTGER

ANTHONY BAYAD,

Plaintiff,

vs.

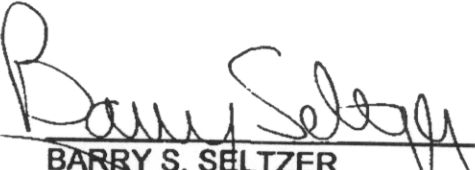
LUCENT TECHNOLOGIES, INC., et al.,

Defendants

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion for "Prayer" Requesting Emergency Hearing in Order to Fairly Defend his Case (DE 89) and the Court being sufficiently advised, it is hereby ORDERED that the motion is DENIED to the extent it requests a hearing on Defendants' summary judgment motions. To the extent that Plaintiff's motion may be construed to request a hearing to object to the undersigned United States Magistrate Judge's Report and Recommendation on Defendants' summary judgment motions, the motion is respectfully referred back to the District Judge for ruling.

DONE AND ORDERED in Fort Lauderdale, Florida, this 5th day of September 2000.


BARRY S. SELTZER
United States Magistrate Judge

90
/m

Copies to:

Anthony Bayad, *pro se*
278 Main St., Apt. 3E
Melrose, MA 02176

Todd R. Legon, Esq.
Wallace, Bauman, Legon,
Fodiman & Shannon, P.A.
1200 Brickell Ave., Suite 1720
Miami, FL 33131

ANTHONY BAYAD,

Plaintiff,

v.

LUCENT TECHNOLOGIES, INC.,
et al.,

Defendants.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 97-6671-CIV-ROETTGER

ORDER ON REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE

THIS CAUSE is before the court upon the Report and Recommendation prepared by United States Magistrate Judge Barry S. Seltzer. Plaintiff filed objections on October 17, 2000. Upon independent de novo review of the record herein, the findings and recommendation of Magistrate Judge Seltzer are approved and adopted to the extent that they involve plaintiff's federal claims. Therefore, it is

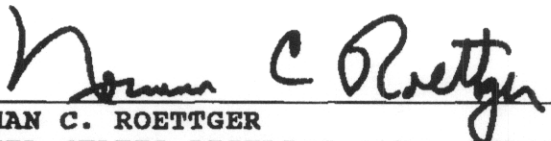
ORDERED AND ADJUDGED as follows:

1. The motions for final summary judgment (docket entry ## 52 and 53) are hereby **GRANTED** with respect to plaintiff's claims under Title VII, and Section 1981. Judgment is entered in favor of defendants and against plaintiff.
2. As this court has dismissed the claims over which it had original jurisdiction, the court declines to exercise supplemental jurisdiction over the plaintiff's remaining state claims asserted

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against defendants. 28 U.S.C. § 1367. Therefore, these claims are hereby **DISMISSED**.

DONE AND ORDERED this 28 day of OCT,
2000.



NORMAN C. ROETTGER
UNITED STATES DISTRICT COURT JUDGE

cc: Magistrate Judge Seltzer
Plaintiff, pro se
counsel of record